

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JUN 16 2008

OFFICE OF  
MANAGING DIRECTOR

John Wells King, Esq.  
Garvey Schubert Barer  
Flour Mill Building  
1000 Potomac Street, N.W.  
Fifth Floor  
Washington, D.C. 20007-3501

Re: BDI Broadcasting, Inc.  
Request for Waiver of Late Penalty for FY  
2005 Regulatory Fees  
Fee Control No. 0603148340827001

Dear Mr. King:

This is in response to your request dated August 11, 2006 (*Petition*), filed on behalf of BDI Broadcasting, Inc. (BDI), licensee of Station KIKV-FM, Sauk Centre, Minnesota, and Station KULO(FM), Alexandria, Minnesota, that the Office of Managing Director (OMD) reconsider its decision denying BDI a waiver of the penalties for late payment of the fiscal year (FY) 2005 regulatory fees.<sup>1</sup> Our records reflect that you have not paid the \$545.00 and \$281.25 penalties for Stations KIKV-FM and KULO(FM), respectively. For the reasons stated herein, we deny your request.

In BDI's underlying request for waiver of the penalties (*Request*), BDI asserted that it "timely tendered its Form 159 Remittance by letter of transmittal dated August 22, 2005, for payment by credit card."<sup>2</sup> BDI stated that "[i]t was sent to the Commission's lockbox bank fee filing facility at Mellon Bank by UPS overnight, and received and signed for on August 23, 2006[.]"<sup>3</sup> In support, BDI submitted two UPS documents entitled "Track by Tracking Number" and "Shipment Receipt" indicating that a package was sent by UPS from your office to Mellon Bank on August 23, 2005.<sup>4</sup>

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<sup>1</sup> See Letter from Mark Stephens, Acting Chief Financial Officer, OMD, FCC, to John Wells King, Esq. (July 26, 2006) (*Decision*).

<sup>2</sup> *Request* at 1.

<sup>3</sup> *Id.*

<sup>4</sup> See Letter from John Wells King, Esq. to Marvin Washington, Acting Chief, OMD, FCC, Attachments (Feb. 21, 2006).

In the *Decision*, OMD pointed out that the Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner,<sup>5</sup> and that it is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.<sup>6</sup> The *Decision* stated that although BDI asserted that timely payment was made, Mellon Bank's records reflect that the UPS package associated with the tracking number that BDI claimed contained its FCC Form 159 and credit card payment for the FY 2005 regulatory fees for the stations in question in fact contained Form 159s and check payments for three unrelated entities in amounts that do not correspond to the FY 2005 fees associated with Stations KIKV-FM and KULO(FM).<sup>7</sup> The *Decision* found that the Commission did not receive an FCC Form 159 or full payment of the FY 2005 regulatory fees for Stations KIKV-FM and KULO(FM) by September 7, 2005, the filing deadline. Because the request did not indicate or substantiate that BDI submitted the FY 2005 regulatory fees for Stations KIKV-FM and KULO(FM) by the deadline for filing regulatory fees, the *Decision* denied BDI's request for waiver of the late penalties.

In your *Petition*, you recite that "BDI is one of four commonly-owned licensees the annual regulatory fees for which have been paid concurrently as a group for many years."<sup>8</sup> You state that "[i]n 2005, one of the four filings, for BG Broadcasting, Inc., was logged at Mellon Bank as timely received, and the payment was processed."<sup>9</sup> You say that "[t]he other three were not logged, and payment was not processed."<sup>10</sup> You say that the legal assistant with your law firm "who effected the filings for the licensee and its affiliates . . . states that there were fee filings in the UPS package other than the [filings for the] four [commonly-owned licensees, as well as] . . . fee filings other than those which the . . . [*Decision*] identifies."<sup>11</sup> The legal assistant states that "[t]he UPS waybill form has limited space to insert client numbers, . . . [h]owever, . . . on the waybill . . . , I

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<sup>5</sup> *Decision* at 2; see 47 U.S.C. §159(c)(1).

<sup>6</sup> See 47 C.F.R. §1.1164.

<sup>7</sup> See *Decision* at 2, n.7 ("[t]he package contained FCC Form 159s and check payments associated with Conner Family Broadcasting, Inc. (licensee of Stations WRMS-FM and WL803), Radio Plus of Fond du Lac (licensee of Stations WFDL-FM and WMF992), and Radio Plus, Inc. (licensee of Stations WFDL, WMDC, KK4433, and WPUU989). The checks were in the amount of \$460.00, \$1,560.00, and \$1,245.00.").

<sup>8</sup> *Petition* at 1 (the other licensees are BG Broadcasting, Inc., BL Broadcasting, Inc., and Paul Bunyan Broadcasting Co.).

<sup>9</sup> *Id.* at 1-2.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 2 (citing *Declaration of Yvette Graves* (executed Aug. 11, 2006) (*Declaration*)).

inserted the . . . client numbers . . . for BDI Broadcasting, Inc.[,] . . . Conner Family Broadcasting, Inc.[, and] Gore-Overgaard Broadcasting[.]”<sup>12</sup> You “[n]ote that one of the filings that the . . . [Decision] says was in the envelope, for Conner Family Broadcasting, Inc., was listed among the client numbers on the UPS waybill.”<sup>13</sup> You “[n]ote also that the . . . [Decision] makes no mention . . . that the filing for Gore-Overgaard Broadcasting was in the UPS envelope . . . [or] that the filing for . . . BG Broadcasting, Inc. was in the envelope, yet its annual regulatory fee was logged and processed.”<sup>14</sup> You contend that “inconsistencies in the tracking records for these filings preclude those records from being regarded as dispositive of the question whether a filing was in fact made.”<sup>15</sup> You assert that “[t]he licensee for many years has filed its annual regulatory fee at the same time as the annual regulatory fees owed by its affiliates.”<sup>16</sup> You state that your law firm’s legal assistant “has handled the filings since 2003” and has many years of experience with FCC filings.<sup>17</sup> You conclude that the late filing was due to factors beyond the licensee’s control.

You have not provided sufficient grounds for reconsideration. Statements by your firm’s legal assistant that there were other fee filings in the UPS package containing the BG Broadcasting FY 2005 regulatory fee, including the FY 2005 regulatory fee for BDI, do not establish that the UPS package did in fact contain a FY 2005 regulatory fee and FCC Form 159 for BDI, much less establish that the regulatory fee and Form 159 for BDI were received by the Commission by the September 7, 2005, filing deadline. Similarly, notations made by the legal assistant on the UPS package’s waybill do not establish that BDI’s fee and Form 159 were in the UPS package and were timely received by the Commission. Further, the fact that the legal assistant has years of experience in filing regulatory fees with the Commission in a timely manner does not support the conclusion that the instant regulatory fee and Form 159 were filed on time. We therefore find that OMD’s *Decision* denying BDI’s waiver request was correct and that you have provided no additional justification for a reversal of that decision. We therefore deny your request for reconsideration and waiver of the penalties for late payment of the FY 2005 regulatory fees for Stations KIKV-FM and KULO(FM).

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<sup>12</sup> *Id.* at 2 (quoting *Declaration* at 1); see also *Declaration* at 1 (“the client number for BDI . . . was my record that I had put all of Mr. Buron’s regulatory fee payments in the envelope . . . [, including BL Broadcasting, Inc., BG Broadcasting, Inc. . . . [, and] Paul Bunyan Broadcasting Co., Inc.”).

<sup>13</sup> *Id.* at 2-3.

<sup>14</sup> *Id.* at 3.

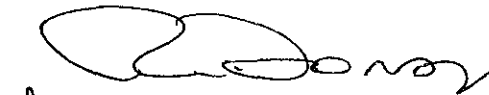
<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

Payment of the \$545.00 and \$281.25 late penalties for Stations KIKV-FM and KULO(FM) for FY 2005 is now due. The penalty amounts should be submitted, together with a Form 159 (copy enclosed), within 30 days of the day of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

Enclosure

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington DC 20554

RECEIVED

2005 AUG 18 P 8:05

In The Matter Of )  
Request of )  
**BDI BROADCASTING, INC.** ) Fee Control Nos.  
For Waiver of Penalty For ) 0603148340827001<sup>1</sup> and 0603148340827003  
2005 Annual Regulatory Fees )

TO: Mark Stephens  
Acting Chief Financial Officer  
Office of the Managing Director

**PETITION FOR RECONSIDERATION**

BDI Broadcasting, Inc. ("BDI"), by its attorneys, hereby petitions the Acting Chief Financial Officer to reconsider his letter ruling denying waiver of late charge penalties assessed BDI for its 2005 annual regulatory fees in the captioned Fee Control Numbers.

BDI is one of four commonly-owned licensees the annual regulatory fees for which have been paid concurrently as a group for many years.<sup>2</sup> In 2005, one of the four

<sup>1</sup> This Fee Control Number appears to be duplicated in the letter of the Acting Chief Financial Officer to affiliated entity BL Broadcasting, Inc.

<sup>2</sup> The licensees, all owned by Louis H. Buron, Jr., and their broadcast stations, are:

BG Broadcasting, Inc.	BL Broadcasting, Inc. (cont'd)
KKZY(FM), Bemidji MN	KUAL-FM, Brainerd MN
KLLZ-FM, Walker MN	KVBR, Brainerd MN
BDI Broadcasting, Inc.	KBLB(FM), Nisswa MN
KULO-FM, Alexandria MN	KKWS(FM), Wadena MN
KIKV-FM, Sauk Centre MN	KWAD, Wadena MN
BL Broadcasting, Inc.	KNSP, Staples MN
WJY-FM, Brainerd MN	Paul Bunyan Broadcasting Co.
KLIZ, Brainerd MN	KBUN, Bemidji MN
KLIZ-FM, Brainerd MN	KBHP(FM), Bemidji MN

filings, for BG Broadcasting, Inc., was logged at Mellon Bank as timely received, and the payment was processed. The other three were not logged, and payment was not processed.

It is manifestly evident, from materials the licensee previously has submitted, and from the additional information provided herewith, that the failure of timely payment to have been made was due to some circumstance unknown to the licensee, and beyond its control. The Commission cannot rule out the likelihood of error in processing by its staff or by Mellon Bank.

The staff letter denying the licensee's request for waiver observes, at note 7, that the UPS tracking number associated with the licensee's filing was linked to check payments for three unrelated entities. This is accurate as far as it goes, but it is not the whole story, and the inconsistencies in recordkeeping which it reveals are disturbing.

Attached hereto is the declaration of Yvette Graves, legal assistant in the law firm of Garvey Schubert Barer, who effected the filings for the licensee and its affiliates. Ms. Graves states that there were fee filings in the UPS package other than the four for Mr. Buron. Moreover, the UPS package contained fee filings other than those which the staff ruling identifies. According to Ms. Graves:

The UPS waybill form has limited space to insert client numbers, and I cannot get all the client numbers in the space provided. However, on the waybill that I filled out on Monday, August 22, 2005, I inserted the following client numbers:

21075-00101 BDI Broadcasting, Inc.  
20675-00101 Conner Family Broadcasting, Inc.  
20757 Gore-Overgaard Broadcasting

The client number for BDI Broadcasting, one of the four filings for Mr. Buron, was Ms. Graves' record that she had put all of his filings in the UPS envelope. Note that

one of the filings that the staff letter says was in the envelope, for Conner Family Broadcasting, Inc., was listed among the client numbers on the UPS waybill. Note also that the staff letter makes no mention of the fact that the filing for Gore-Overgaard Broadcasting was in the UPS envelope. Nor does the staff letter indicate that the filing for Mr. Buron's BG Broadcasting, Inc., was in the envelope, yet its annual regulatory fee was logged and processed.

These observations allow only one conclusion: inconsistencies in the tracking records for these filings preclude those records from being regarded as dispositive of the question whether a filing was in fact made. The Commission must look to all facts and circumstances. The facts and circumstances establish that there was error in processing somewhere along the way, whether by the Commission staff or by Mellon Bank; in any event, the licensee fulfilled its duty timely to file its annual regulatory fees.

The licensee for many years has filed its annual regulatory fee at the same time as the annual regulatory fees owed by its affiliates. They have been handled as concurrent filings. Ms. Graves has handled the filings since 2003. She came to Garvey Schubert Barer with nine years' experience in FCC filings and is intimately familiar with the procedures and requirements for FCC fee filings to Mellon Bank. Ms. Graves estimates she has been responsible for several thousand FCC filings in her career.

To reiterate, as Ms. Graves points out, all four Forms 159 were received by fax from Mr. Buron on Friday, August 19, 2005, as indicated by the fax headers on the forms. All four filings were prepared for filing on Monday, August 22, 2005. Counsel reviewed the filings and signed the transmittal letters. Ms. Graves prepared the filings for transmittal and inserted them into a single UPS package. Of the four filings:

## DECLARATION OF YVETTE GRAVES

I, Yvette Graves, do hereby declare and state the following to be true of my personal knowledge:

I have been employed as a legal assistant in the Washington DC office of the law firm of Garvey Schubert Barer since 2003. Prior to joining the firm, I was employed by other law firms specializing in communications law for nine years. I am intimately familiar with the procedures and requirements for FCC fee filings to Mellon Bank in Pittsburgh. I estimate I have been responsible for several thousand FCC fee filings in my career.

I personally prepared the 2005 annual regulatory fee filings for BDI Broadcasting, Inc.; BG Broadcasting, Inc.; BL Broadcasting, Inc.; and Paul Bunyan Broadcasting Co. Inc. These companies are all owned by Louis H. Buron, Jr. In prior years, Mr. Buron paid the annual regulatory fees by check, but in 2005, he paid by credit card.

Mr. Buron faxed the Forms 159 to Garvey Schubert Barer the afternoon of August 19, 2005, as the fax header on the forms indicates (see attached). That was a Friday. On Monday, August 22, 2005, I prepared transmittal letters for the four fee filings and presented them to John Wells King for his review and signature. After Mr. King signed the transmittal letters, I prepared the filings for sending to Mellon Bank in Pittsburgh via UPS. I made copies of each of the filings for our files, and I made a stamp-and-return copy of each of the transmittal letters, with a postage-prepaid return envelope.

I inserted the four fee filings into a UPS courier envelope. The envelope can hold many filings. There were other fee filings in the envelope besides Mr. Buron's. The UPS waybill form has limited space to insert client numbers, and I cannot get all the client numbers in the space provided. However, on the waybill that I filled out on Monday, August 22, 2005, I inserted the following client numbers:

21075-00101 BDI Broadcasting, Inc.  
20675-00101 Conner Family Broadcasting, Inc.  
20757 Gore-Overgaard Broadcasting

The client number for BDI Broadcasting, Inc., was my record that I had put all of Mr. Buron's regulatory fee payments in the envelope, which also included:

21076-00101 BL Broadcasting, Inc.  
21077-00101 BG Broadcasting, Inc.  
20849-00101 Paul Bunyan Broadcasting Co., Inc.

The UPS tracking record for the envelope shows that it was delivered to Mellon Bank on Tuesday, August 23, 2005, at 9:29 a.m., signed by Zeransky.

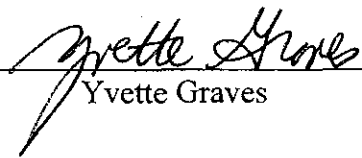


I received the stamp and return copies of all of the filings in the package which were all paid by check. I received the stamp and return copy of the credit card filing for BG Broadcasting, Inc. I did not receive a stamp and return copy of the credit card filings for BDI Broadcasting, Inc.—whose client number was on the UPS waybill—or for BL Broadcasting, Inc., or Paul Bunyan Broadcasting Co., Inc., which were also in the package.

In summary, Mr. Buron's four regulatory fee filings arrived in our offices together. All four filings were prepared together. Mr. King reviewed and signed the four filings all at the same time. I personally prepared all four filings as part of a single package to Mellon Bank. Only one of the four appears to have been processed.

I declare under penalty of perjury that the foregoing to be true and correct of my personal knowledge.

Executed on August 11, 2006.

  
Yvette Graves

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UPS Uni

Tracking

Welcome, Graves, Yvette | [Logout](#)[My UPS](#)**Tracking**→ **Track by Tracking Number**→ [Track by E-mail](#)→ [Import Tracking Numbers](#)→ [Track by Reference Number](#)→ [Track by Freight Tracking Number](#)→ [Track by Freight Shipment Reference](#)→ [Track with Quantum View](#)→ [Sign Up for Signature Tracking](#)→ [Void a Shipment](#)→ [Help](#)**Track by Tracking Number****View Tracking Summary**To see a detailed report for each package, please select the **View package progress** link.

Tracking Number	Status	Delivery Information	
1. 1Z 8V4 141 01 9923 776 0	<b>Delivered</b>	Delivered on:	08/23/2005 9:29 A.M.
		Delivered to:	PITTSBURGH
		Signed by:	ZERANSKY
		Service Type:	NEXT DAY A

→ [View package progress](#)

Tracking results provided by UPS: 02/17/2006 1:41 P.M. Eastern Time (USA)

**Tired of Re-Typing Tracking Numbers?**

Save the tracking numbers of undelivered packages for faster access to tracking information.

☒ [Save Tracking Numbers](#)**NOTICE:** UPS authorizes you to use UPS tracking systems solely to track shipments tendered to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.[Home](#) | [Shipping](#) | [Tracking](#) | [Support](#) | [Business Solutions](#) | [About UPS](#) | [Contact UPS](#) | [Getting Started](#) | [My UPS](#) | [Address Book](#) | [Site Advanced Search](#) | [UPS Global](#) | [UPS Corporate](#)

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## Shipment Receipt

(Keep this for your records.)

**Transaction Date** 22 Aug 2005

### Address Information

**Ship To:**

Federal Communications Commission  
c/o Mellon Bank  
Mellon Client Service Center  
500 Ross Street  
Room 670  
PITTSBURGH PA 15262-0001

**Shipper:**

Garvey Schubert Barer  
John King/Melodie Virtue  
202-965-7880 x7385  
1000 Potomac Street NW  
Flour Mill Building  
Fifth Floor  
Washington DC 20007

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### Shipment Information

**Service:**

UPS Next Day Air

\*Guaranteed By:

10:30 AM, Tues. 23 Aug. 2005

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### Package Information

**Package 1 of 1**

Tracking Number:	1Z8V41410199237760
Package Type:	UPS PAK
Actual Weight:	2.0 lbs
Billable Weight:	2.0 lbs
Client Matter Number:	21075-00101, 20675-00101, 20757
Attorney Name:	1118 and 1126

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### Billing Information

**Payment Method:**

Bill Sender: 8V4141  
**All Shipping Charges in USD**

\* For delivery and guarantee information, see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-782-7892 for international services.

### Responsibility for Loss or Damage

Unless a greater value is recorded in the declared value field as appropriate for the UPS shipping system used, the shipper agrees that the released value of each package covered by this receipt is no greater than \$100, which is a reasonable value under the circumstances surrounding the transportation. If additional protection is desired, a shipper may increase UPS's limit of liability by declaring a higher value and paying an additional charge. UPS does not accept for transportation and shipper's requesting service through the Internet are prohibited from shipping packages with a value of more than \$50,000. The maximum liability per package assumed by UPS shall not exceed \$50,000, regardless of value in excess of the maximum. Claims not made within nine months after delivery of the package (sixty days for international shipments), or in the case of failure to make delivery, nine months after a reasonable time for delivery has elapsed (sixty days for international shipments), shall be deemed waived. The entry of a C.O.D. amount is not a declaration of value for carriage purposes. All checks or other negotiable instruments tendered in payment of C.O.D. will be accepted by UPS at shipper's risk. UPS shall not be liable for any special, incidental, or consequential damages. All shipments are subject to the terms and conditions contained in the UPS Tariff and the UPS Terms and Conditions of

• Service, which can be found at [www.ups.com](http://www.ups.com).

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

Approved by GMR  
1040-0119

Page: 1 of 1

(1) LOCKBOX # 358835			
<b>SECTION A - PAYER INFORMATION</b>			
(2) PAYER NAME (If paying by credit card enter name exactly as it appears on the card) Paul Bunyan Broadcasting Co.		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$2,520.00	
(4) STREET ADDRESS LINE NO. 1 c/o Garvey Schubert Barer			
(5) STREET ADDRESS LINE NO. 2 1000 Potomac Street, NW, 5th Floor			
(6) CITY Washington		(7) STATE DC	(8) ZIP CODE 20007
(9) DAYTIME TELEPHONE NUMBER (Include area code) (202) 985-7880		(10) COUNTRY CODE (If not U.S.A.)	
<b>FCC REGISTRATION NUMBER (FIRM) REQUIRED</b>			
(11) PAYER (FIRM) 0004-9744-08			
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 133-C) COMPLETE SECTION BELOW FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET.			
(12) APPLICANT NAME BG Broadcasting, Inc.			
(13) STREET ADDRESS LINE NO. 1 P.O. Box 1656			
(13) STREET ADDRESS LINE NO. 2			
(16) CITY Bemidji		(17) STATE MN	(18) ZIP CODE 56810
(19) DAYTIME TELEPHONE NUMBER (Include area code) 218-751-4120		(20) COUNTRY CODE (If not U.S.A.)	
<b>FCC REGISTRATION NUMBER (FIRM) REQUIRED</b>			
(21) APPLICANT (FIRM) 0004-3249-35			
COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET.			
(23A) CALL SIGN/OTHER ID KKZY	(24A) PAYMENT TYPE CODE 0548	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE \$1,250.00		
(28A) FCC CODE 1 77087	(29A) FCC CODE 2 MN, Bemidji		
(30A) CALL SIGN/OTHER ID KLIZ-FM	(31A) PAYMENT TYPE CODE 0548	(32A) QUANTITY 1	
(33A) FEE DUE FOR (PTC)	(34A) TOTAL FEE \$1,250.00		
(35A) FCC CODE 1 28858	(36A) FCC CODE 2 MN, Walker		
<b>SECTION D - CERTIFICATION</b>			
CERTIFICATION STATEMENT I, <u>Mary A. Campbell</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>Mary A. Campbell</u>		DATE <u>8-19-05</u>	
<b>SECTION E - CREDIT CARD PAYMENT INFORMATION</b>			
MASTERCARD <input type="checkbox"/> VISA <input checked="" type="checkbox"/> AMEX <input type="checkbox"/> DISCOVER <input type="checkbox"/>			
ACCOUNT NUMBER <u>4251 2470 0001 0624</u>		EXPIRATION DATE <u>9/07</u>	
I hereby authorize the FCC to charge my credit card for the service(s) authorized on herein described.			
SIGNATURE <u>Mary A. Campbell</u>		DATE <u>8-19-05</u>	

312.50

312.50

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

Approved by OMB  
3000-0100  
Page 1 of 2

(1) LOCKBOX # 358835			
SECTION A - PAYER INFORMATION			
(3) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Paul Bunyan Broadcasting Co.		(2) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$9,530.00	
(4) STREET ADDRESS LINE NO. 1 c/o Garvey Schubert Barer			
(5) STREET ADDRESS LINE NO. 2 1000 Potomac Street, NW, 5th Floor			
(6) CITY Washington		(7) STATE DC	(8) ZIP CODE 20007
(9) DAYTIME TELEPHONE NUMBER (include area code) (202) 845-7880		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FAN) REQUIRED			
(11) PAYER (FAN) 0004-0744-08			
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 105-C) COMPLETE SECTION B BELOW FOR EACH SERVICE, IF MORE THAN ONE, AND NEEDED, USE CONTINUATION SHEET			
(12) APPLICANT NAME BDI Broadcasting, Inc.			
(14) STREET ADDRESS LINE NO. 1 P.O. Box 1858			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY Bemidji		(17) STATE MN	(18) ZIP CODE 56610
(19) DAYTIME TELEPHONE NUMBER (include area code) (218) 751-4120		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FAN) REQUIRED			
(21) APPLICANT (FAN) 0002-8286-70			
COMPLETE SECTION C FOR EACH SERVICE, IF MORE THAN ONE, AND NEEDED, USE CONTINUATION SHEET			
(22A) CALL SIGN/OTHER ID KIKY-FM	(24A) PAYMENT TYPE CODE 0549	(23A) QUANTITY 1	
(24A) FEE DUE FOR (PTC)	(27A) TOTAL FEE \$2,300.00		
(21A) FCC CODE 1 4338	(21A) FCC CODE 2 MN, Bank Centre		
(22B) CALL SIGN/OTHER ID WPJF-707	(24B) PAYMENT TYPE CODE 0569	(23B) QUANTITY 1	
(24B) FEE DUE FOR (PTC)	(27B) TOTAL FEE \$10.00		
(21B) FCC CODE 1	(21B) FCC CODE 2		
SECTION B - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>MARY D. CAMPBELL</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>Mary D. Campbell</u>		DATE <u>8-19-05</u>	
SECTION C - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD <input type="checkbox"/> VISA <input checked="" type="checkbox"/> AMEX <input type="checkbox"/> DISCOVER <input type="checkbox"/> ACCOUNT NUMBER <u>4251 2470 0001 0624</u> EXPIRATION DATE <u>9/07</u> I hereby authorize the FCC to charge my credit card for the service(s) authorized herein described.			
SIGNATURE <u>Mary D. Campbell</u>		DATE <u>8-19-05</u>	

575.00

250

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JUN 16 2008

OFFICE OF  
MANAGING DIRECTOR

John Wells King, Esq.  
Garvey Schubert Barer  
Flour Mill Building  
1000 Potomac Street, N.W.  
Fifth Floor  
Washington, D.C. 20007-3501

Re: BDI Broadcasting, Inc.  
Request for Waiver of Late Penalty for FY  
2005 Regulatory Fees  
Fee Control No. 0603148340827001

Dear Mr. King:

This is in response to your request dated August 11, 2006 (*Petition*), filed on behalf of BDI Broadcasting, Inc. (BDI), licensee of Station KIKV-FM, Sauk Centre, Minnesota, and Station KULO(FM), Alexandria, Minnesota, that the Office of Managing Director (OMD) reconsider its decision denying BDI a waiver of the penalties for late payment of the fiscal year (FY) 2005 regulatory fees.<sup>1</sup> Our records reflect that you have not paid the \$545.00 and \$281.25 penalties for Stations KIKV-FM and KULO(FM), respectively. For the reasons stated herein, we deny your request.

In BDI's underlying request for waiver of the penalties (*Request*), BDI asserted that it "timely tendered its Form 159 Remittance by letter of transmittal dated August 22, 2005, for payment by credit card."<sup>2</sup> BDI stated that "[i]t was sent to the Commission's lockbox bank fee filing facility at Mellon Bank by UPS overnight, and received and signed for on August 23, 2006[.]"<sup>3</sup> In support, BDI submitted two UPS documents entitled "Track by Tracking Number" and "Shipment Receipt" indicating that a package was sent by UPS from your office to Mellon Bank on August 23, 2005.<sup>4</sup>

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<sup>1</sup> See Letter from Mark Stephens, Acting Chief Financial Officer, OMD, FCC, to John Wells King, Esq. (July 26, 2006) (*Decision*).

<sup>2</sup> *Request* at 1.

<sup>3</sup> *Id.*

<sup>4</sup> See Letter from John Wells King, Esq. to Marvin Washington, Acting Chief, OMD, FCC, Attachments (Feb. 21, 2006).

In the *Decision*, OMD pointed out that the Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner,<sup>5</sup> and that it is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.<sup>6</sup> The *Decision* stated that although BDI asserted that timely payment was made, Mellon Bank's records reflect that the UPS package associated with the tracking number that BDI claimed contained its FCC Form 159 and credit card payment for the FY 2005 regulatory fees for the stations in question in fact contained Form 159s and check payments for three unrelated entities in amounts that do not correspond to the FY 2005 fees associated with Stations KIKV-FM and KULO(FM).<sup>7</sup> The *Decision* found that the Commission did not receive an FCC Form 159 or full payment of the FY 2005 regulatory fees for Stations KIKV-FM and KULO(FM) by September 7, 2005, the filing deadline. Because the request did not indicate or substantiate that BDI submitted the FY 2005 regulatory fees for Stations KIKV-FM and KULO(FM) by the deadline for filing regulatory fees, the *Decision* denied BDI's request for waiver of the late penalties.

In your *Petition*, you recite that "BDI is one of four commonly-owned licensees the annual regulatory fees for which have been paid concurrently as a group for many years."<sup>8</sup> You state that "[i]n 2005, one of the four filings, for BG Broadcasting, Inc., was logged at Mellon Bank as timely received, and the payment was processed."<sup>9</sup> You say that "[t]he other three were not logged, and payment was not processed."<sup>10</sup> You say that the legal assistant with your law firm "who effected the filings for the licensee and its affiliates . . . states that there were fee filings in the UPS package other than the [filings for the] four [commonly-owned licensees, as well as] . . . fee filings other than those which the . . . [Decision] identifies."<sup>11</sup> The legal assistant states that "[t]he UPS waybill form has limited space to insert client numbers, . . . [h]owever, . . . on the waybill . . . , I

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<sup>5</sup> *Decision* at 2; see 47 U.S.C. §159(c)(1).

<sup>6</sup> See 47 C.F.R. §1.1164.

<sup>7</sup> See *Decision* at 2, n.7 ("[t]he package contained FCC Form 159s and check payments associated with Conner Family Broadcasting, Inc. (licensee of Stations WRMS-FM and WL803), Radio Plus of Fond du Lac (licensee of Stations WFDL-FM and WMF992), and Radio Plus, Inc. (licensee of Stations WFDL, WMDC, KK4433, and WPUU989). The checks were in the amount of \$460.00, \$1,560.00, and \$1,245.00.").

<sup>8</sup> *Petition* at 1 (the other licensees are BG Broadcasting, Inc., BL Broadcasting, Inc., and Paul Bunyan Broadcasting Co.).

<sup>9</sup> *Id.* at 1-2.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 2 (citing Declaration of Yvette Graves (executed Aug. 11, 2006) (*Declaration*)).



inserted the . . . client numbers . . . for BDI Broadcasting, Inc.[,] . . . Conner Family Broadcasting, Inc.[, and] Gore-Overgaard Broadcasting[.]”<sup>12</sup> You “[n]ote that one of the filings that the . . . [Decision] says was in the envelope, for Conner Family Broadcasting, Inc., was listed among the client numbers on the UPS waybill.”<sup>13</sup> You “[n]ote also that the . . . [Decision] makes no mention . . . that the filing for Gore-Overgaard Broadcasting was in the UPS envelope . . . [or] that the filing for . . . BG Broadcasting, Inc. was in the envelope, yet its annual regulatory fee was logged and processed.”<sup>14</sup> You contend that “inconsistencies in the tracking records for these filings preclude those records from being regarded as dispositive of the question whether a filing was in fact made.”<sup>15</sup> You assert that “[t]he licensee for many years has filed its annual regulatory fee at the same time as the annual regulatory fees owed by its affiliates.”<sup>16</sup> You state that your law firm’s legal assistant “has handled the filings since 2003” and has many years of experience with FCC filings.<sup>17</sup> You conclude that the late filing was due to factors beyond the licensee’s control.

You have not provided sufficient grounds for reconsideration. Statements by your firm’s legal assistant that there were other fee filings in the UPS package containing the BG Broadcasting FY 2005 regulatory fee, including the FY 2005 regulatory fee for BDI, do not establish that the UPS package did in fact contain a FY 2005 regulatory fee and FCC Form 159 for BDI, much less establish that the regulatory fee and Form 159 for BDI were received by the Commission by the September 7, 2005, filing deadline. Similarly, notations made by the legal assistant on the UPS package’s waybill do not establish that BDI’s fee and Form 159 were in the UPS package and were timely received by the Commission. Further, the fact that the legal assistant has years of experience in filing regulatory fees with the Commission in a timely manner does not support the conclusion that the instant regulatory fee and Form 159 were filed on time. We therefore find that OMD’s *Decision* denying BDI’s waiver request was correct and that you have provided no additional justification for a reversal of that decision. We therefore deny your request for reconsideration and waiver of the penalties for late payment of the FY 2005 regulatory fees for Stations KIKV-FM and KULO(FM).

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<sup>12</sup> *Id.* at 2 (quoting *Declaration* at 1); see also *Declaration* at 1 (“the client number for BDI . . . was my record that I had put all of Mr. Buron’s regulatory fee payments in the envelope . . . [, including BL Broadcasting, Inc., BG Broadcasting, Inc. . . . [, and] Paul Bunyan Broadcasting Co., Inc.”).

<sup>13</sup> *Id.* at 2-3.

<sup>14</sup> *Id.* at 3.

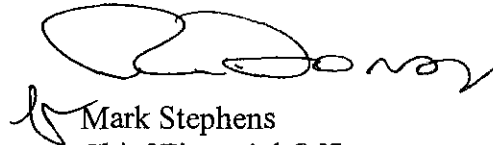
<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

Payment of the \$545.00 and \$281.25 late penalties for Stations KIKV-FM and KULO(FM) for FY 2005 is now due. The penalty amounts should be submitted, together with a Form 159 (copy enclosed), within 30 days of the day of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

Enclosure

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington DC 20554

RECEIVED

2006 AUG 18 P 6:05

In The Matter Of )  
Request of )  
BDI BROADCASTING, INC. ) Fee Control Nos.  
For Waiver of Penalty For ) 0603148340827001<sup>1</sup> and 0603148340827003  
2005 Annual Regulatory Fees )  
TO: Mark Stephens  
Acting Chief Financial Officer  
Office of the Managing Director

**PETITION FOR RECONSIDERATION**

BDI Broadcasting, Inc. ("BDI"), by its attorneys, hereby petitions the Acting Chief Financial Officer to reconsider his letter ruling denying waiver of late charge penalties assessed BDI for its 2005 annual regulatory fees in the captioned Fee Control Numbers.

BDI is one of four commonly-owned licensees the annual regulatory fees for which have been paid concurrently as a group for many years.<sup>2</sup> In 2005, one of the four

<sup>1</sup> This Fee Control Number appears to be duplicated in the letter of the Acting Chief Financial Officer to affiliated entity BL Broadcasting, Inc.

<sup>2</sup> The licensees, all owned by Louis H. Buron, Jr., and their broadcast stations, are:

BG Broadcasting, Inc.	BL Broadcasting, Inc. (cont'd)
KKZY(FM), Bemidji MN	KUAL-FM, Brainerd MN
KLLZ-FM, Walker MN	KVBR, Brainerd MN
BDI Broadcasting, Inc.	KBLB(FM), Nisswa MN
KULO-FM, Alexandria MN	KKWS(FM), Wadena MN
KIKV-FM, Sauk Centre MN	KWAD, Wadena MN
BL Broadcasting, Inc.	KNSP, Staples MN
WJJY-FM, Brainerd MN	Paul Bunyan Broadcasting Co.
KLIZ, Brainerd MN	KBUN, Bemidji MN
KLIZ-FM, Brainerd MN	KBHP(FM), Bemidji MN

filings, for BG Broadcasting, Inc., was logged at Mellon Bank as timely received, and the payment was processed. The other three were not logged, and payment was not processed.

It is manifestly evident, from materials the licensee previously has submitted, and from the additional information provided herewith, that the failure of timely payment to have been made was due to some circumstance unknown to the licensee, and beyond its control. The Commission cannot rule out the likelihood of error in processing by its staff or by Mellon Bank.

The staff letter denying the licensee's request for waiver observes, at note 7, that the UPS tracking number associated with the licensee's filing was linked to check payments for three unrelated entities. This is accurate as far as it goes, but it is not the whole story, and the inconsistencies in recordkeeping which it reveals are disturbing.

Attached hereto is the declaration of Yvette Graves, legal assistant in the law firm of Garvey Schubert Barer, who effected the filings for the licensee and its affiliates. Ms. Graves states that there were fee filings in the UPS package other than the four for Mr. Buron. Moreover, the UPS package contained fee filings other than those which the staff ruling identifies. According to Ms. Graves:

The UPS waybill form has limited space to insert client numbers, and I cannot get all the client numbers in the space provided. However, on the waybill that I filled out on Monday, August 22, 2005, I inserted the following client numbers:

21075-00101 BDI Broadcasting, Inc.  
20675-00101 Conner Family Broadcasting, Inc.  
20757 Gore-Overgaard Broadcasting

The client number for BDI Broadcasting, one of the four filings for Mr. Buron, was Ms. Graves' record that she had put all of his filings in the UPS envelope. Note that

one of the filings that the staff letter says was in the envelope, for Conner Family Broadcasting, Inc., was listed among the client numbers on the UPS waybill. Note also that the staff letter makes no mention of the fact that the filing for Gore-Overgaard Broadcasting was in the UPS envelope. Nor does the staff letter indicate that the filing for Mr. Buron's BG Broadcasting, Inc., was in the envelope, yet its annual regulatory fee was logged and processed.

These observations allow only one conclusion: inconsistencies in the tracking records for these filings preclude those records from being regarded as dispositive of the question whether a filing was in fact made. The Commission must look to all facts and circumstances. The facts and circumstances establish that there was error in processing somewhere along the way, whether by the Commission staff or by Mellon Bank; in any event, the licensee fulfilled its duty timely to file its annual regulatory fees.

The licensee for many years has filed its annual regulatory fee at the same time as the annual regulatory fees owed by its affiliates. They have been handled as concurrent filings. Ms. Graves has handled the filings since 2003. She came to Garvey Schubert Barer with nine years' experience in FCC filings and is intimately familiar with the procedures and requirements for FCC fee filings to Mellon Bank. Ms. Graves estimates she has been responsible for several thousand FCC filings in her career.

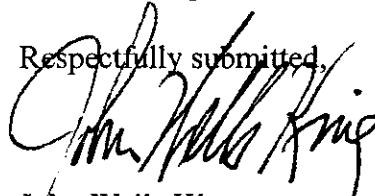
To reiterate, as Ms. Graves points out, all four Forms 159 were received by fax from Mr. Buron on Friday, August 19, 2005, as indicated by the fax headers on the forms. All four filings were prepared for filing on Monday, August 22, 2005. Counsel reviewed the filings and signed the transmittal letters. Ms. Graves prepared the filings for transmittal and inserted them into a single UPS package. Of the four filings:

- the filing for BDI Broadcasting, the client file number of which was on the waybill, was not logged or processed.
- the filing for BG Broadcasting, the client file number of which could not be fit on the waybill, was logged and processed.

While this result is puzzling and indeed perplexing, it clearly establishes that the resulting failure to file on time is due to handling and processing beyond the licensee's control. It is due to some other cause, either by the Commission staff or by Mellon Bank.

For these reasons, it is respectfully requested that denial of the waiver of the penalty for late filing be reconsidered, and that waiver be granted.

Respectfully submitted,



John Wells King

**GARVEY SCHUBERT BARER**  
1000 Potomac Street NW, Fifth Floor  
Washington DC 20007

August 11, 2006

## DECLARATION OF YVETTE GRAVES

I, Yvette Graves, do hereby declare and state the following to be true of my personal knowledge:

I have been employed as a legal assistant in the Washington DC office of the law firm of Garvey Schubert Barer since 2003. Prior to joining the firm, I was employed by other law firms specializing in communications law for nine years. I am intimately familiar with the procedures and requirements for FCC fee filings to Mellon Bank in Pittsburgh. I estimate I have been responsible for several thousand FCC fee filings in my career.

I personally prepared the 2005 annual regulatory fee filings for BDI Broadcasting, Inc.; BG Broadcasting, Inc.; BL Broadcasting, Inc.; and Paul Bunyan Broadcasting Co. Inc. These companies are all owned by Louis H. Buron, Jr. In prior years, Mr. Buron paid the annual regulatory fees by check, but in 2005, he paid by credit card.

Mr. Buron faxed the Forms 159 to Garvey Schubert Barer the afternoon of August 19, 2005, as the fax header on the forms indicates (see attached). That was a Friday. On Monday, August 22, 2005, I prepared transmittal letters for the four fee filings and presented them to John Wells King for his review and signature. After Mr. King signed the transmittal letters, I prepared the filings for sending to Mellon Bank in Pittsburgh via UPS. I made copies of each of the filings for our files, and I made a stamp-and-return copy of each of the transmittal letters, with a postage-prepaid return envelope.

I inserted the four fee filings into a UPS courier envelope. The envelope can hold many filings. There were other fee filings in the envelope besides Mr. Buron's. The UPS waybill form has limited space to insert client numbers, and I cannot get all the client numbers in the space provided. However, on the waybill that I filled out on Monday, August 22, 2005, I inserted the following client numbers:

21075-00101 BDI Broadcasting, Inc.  
20675-00101 Conner Family Broadcasting, Inc.  
20757 Gore-Overgaard Broadcasting

The client number for BDI Broadcasting, Inc., was my record that I had put all of Mr. Buron's regulatory fee payments in the envelope, which also included:

21076-00101 BL Broadcasting, Inc.  
21077-00101 BG Broadcasting, Inc.  
20849-00101 Paul Bunyan Broadcasting Co., Inc.

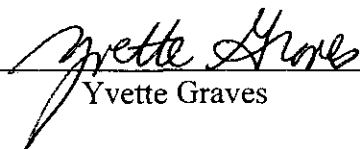
The UPS tracking record for the envelope shows that it was delivered to Mellon Bank on Tuesday, August 23, 2005, at 9:29 a.m., signed by Zeransky.

I received the stamp and return copies of all of the filings in the package which were all paid by check. I received the stamp and return copy of the credit card filing for BG Broadcasting, Inc. I did not receive a stamp and return copy of the credit card filings for BDI Broadcasting, Inc.—whose client number was on the UPS waybill—or for BL Broadcasting, Inc., or Paul Bunyan Broadcasting Co., Inc., which were also in the package.

In summary, Mr. Buron's four regulatory fee filings arrived in our offices together. All four filings were prepared together. Mr. King reviewed and signed the four filings all at the same time. I personally prepared all four filings as part of a single package to Mellon Bank. Only one of the four appears to have been processed.

I declare under penalty of perjury that the foregoing to be true and correct of my personal knowledge.

Executed on August 11, 2006.

  
\_\_\_\_\_  
Yvette Graves



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UPS Uni

[Shipping](#) | [Tracking](#) | [Support](#) | [Business Solutions](#)**Tracking**Welcome, Graves, Yvette | [Logout](#)[My UPS](#) [A](#)→ **Track by Tracking Number**> [Track by E-mail](#)> [Import Tracking Numbers](#)→ [Track by Reference Number](#)→ [Track by Freight Tracking Number](#)→ [Track by Freight Shipment Reference](#)→ [Track with Quantum View](#)→ [Sign Up for Signature Tracking](#)→ [Void a Shipment](#)→ [Help](#)**Track by Tracking Number****View Tracking Summary**To see a detailed report for each package, please select the **View package progress** link.

Tracking Number	Status	Delivery Information	
1. 1Z 8V4 141 01 9923 776 0	<b>Delivered</b>	Delivered on:	08/23/2005 9:29 A.M.
		Delivered to:	PITTSBURGH
		Signed by:	ZERANSKY
		Service Type:	NEXT DAY A

→ [View package progress](#)

Tracking results provided by UPS: 02/17/2006 1:41 P.M. Eastern Time (USA)

**Tired of Re-Typing Tracking Numbers?**

Save the tracking numbers of undelivered packages for faster access to tracking information.

☒ [Save Tracking Numbers](#)**NOTICE:** UPS authorizes you to use UPS tracking systems solely to track shipments tendered to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.[Home](#) | [Shipping](#) | [Tracking](#) | [Support](#) | [Business Solutions](#) | [About UPS](#) | [Contact UPS](#) | [Getting Started](#) | [My UPS](#) | [Address Book](#) | [Site Advanced Search](#) | [UPS Global](#) | [UPS Corporate](#)

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## Shipment Receipt

(Keep this for your records.)

**Transaction Date** 22 Aug 2005

### Address Information

**Ship To:**

Federal Communications Commission  
c/o Mellon Bank  
Mellon Client Service Center  
500 Ross Street  
Room 670  
PITTSBURGH PA 15262-0001

**Shipper:**

Garvey Schubert Barer  
John King/Melodie Virtue  
202-965-7880 x7385  
1000 Potomac Street NW  
Flour Mill Building  
Fifth Floor  
Washington DC 20007

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### Shipment Information

**Service:**

UPS Next Day Air

\*Guaranteed By:

10:30 AM, Tues. 23 Aug. 2005

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### Package Information

**Package 1 of 1**

Tracking Number:	1Z8V41410199237760
Package Type:	UPS PAK
Actual Weight:	2.0 lbs
Billable Weight:	2.0 lbs
Client Matter Number:	21075-00101, 20675-00101, 20757
Attorney Name:	1118 and 1126

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### Billing Information

**Payment Method:**

Bill Sender: 8V4141  
All Shipping Charges in USD

\* For delivery and guarantee information, see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-782-7892 for international services.

### Responsibility for Loss or Damage

Unless a greater value is recorded in the declared value field as appropriate for the UPS shipping system used, the shipper agrees that the released value of each package covered by this receipt is no greater than \$100, which is a reasonable value under the circumstances surrounding the transportation. If additional protection is desired, a shipper may increase UPS's limit of liability by declaring a higher value and paying an additional charge. UPS does not accept for transportation and shipper's requesting service through the Internet are prohibited from shipping packages with a value of more than \$50,000. The maximum liability per package assumed by UPS shall not exceed \$50,000, regardless of value in excess of the maximum. Claims not made within nine months after delivery of the package (sixty days for international shipments), or in the case of failure to make delivery, nine months after a reasonable time for delivery has elapsed (sixty days for international shipments), shall be deemed waived. The entry of a C.O.D. amount is not a declaration of value for carriage purposes. All checks or other negotiable instruments tendered in payment of C.O.D. will be accepted by UPS at shipper's risk. UPS shall not be liable for any special, incidental, or consequential damages. All shipments are subject to the terms and conditions contained in the UPS Tariff and the UPS Terms and Conditions of

Service, which can be found at [www.ups.com](http://www.ups.com).

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDINGFEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICEApproved by OMB  
1040-0189  
Page 1 of 1

(1) LOCK BOX # 358835			
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (If paying by credit card enter name exactly as it appears on the card) Paul Bunyan Broadcasting Co.		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$2,520.00	
(4) STREET ADDRESS LINE NO. 1 c/o Garvey Schubert Barer			
(5) STREET ADDRESS LINE NO. 2 1000 Potomac Street, NW, 5th Floor			
(6) CITY Washington		(7) STATE DC	(8) ZIP CODE 20007
(9) DAYTIME TELEPHONE NUMBER (include area code) (202) 885-7880		(10) COUNTRY CODE (if not U.S.A.)	
FCC REGISTRATION NUMBER (FNM) REQUIRED			
(11) PAYER (FNM) 0004-8744-08			
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 13-C) COMPLETE SECTION BELOW FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(12) APPLICANT NAME BG Broadcasting, Inc.			
(14) STREET ADDRESS LINE NO. 1 P.O. Box 1656			
(13) STREET ADDRESS LINE NO. 2			
(16) CITY Bemidji		(17) STATE MN	(18) ZIP CODE 55810
(19) DAYTIME TELEPHONE NUMBER (include area code) 218-751-4120		(20) COUNTRY CODE (if not U.S.A.)	
FCC REGISTRATION NUMBER (FNM) REQUIRED			
(21) APPLICANT (FNM) 0004-3249-35			
COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID KKZY	(24A) PAYMENT TYPE CODE 0548	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE \$1,250.00		
(28A) FCC CODE 1 77087	(29A) FCC CODE 2 MN, Bemidji		
(23B) CALL SIGN/OTHER ID KLLZ-FM	(24B) PAYMENT TYPE CODE 0548	(25B) QUANTITY 1	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE \$1,250.00		
(28B) FCC CODE 1 28856	(29B) FCC CODE 2 MN, Walker		
SECTION B - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>Mary A. Campbell</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>Mary A. Campbell</u>		DATE <u>8-19-05</u>	
SECTION C - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD <input type="checkbox"/> VISA <input checked="" type="checkbox"/> AMEX <input type="checkbox"/> DISCOVER <input type="checkbox"/>			
ACCOUNT NUMBER <u>4251 2470 0001 0624</u>		EXPIRATION DATE <u>9/07</u>	
I hereby authorize the FCC to charge my credit card for the service(s) authorized herein described.			
SIGNATURE <u>Mary A. Campbell</u>		DATE <u>8-19-05</u>	

SEE PUBLIC BURDEN ON REVERSE

FCC FORM 159

FEBRUARY 2003 (REVISED)

312.50

312.50